



## **New Jersey Department of Children and Families Policy Manual**

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Issuance:	47	<b>Reporting Suspected Child Abuse and Neglect and Potentially Missing Children</b>	Revised:

**SUBJECT:** Reporting Suspected Child Abuse and Neglect and Potentially Missing Children

**EFFECTIVE DATE:** March 27, 2006

**REVISED DATE:** May 5, 2010

### **A. OBJECTIVE**

To provide employees, volunteers and interns in Department of Children and Families (DCF) operated and contracted State facility education programs with a policy and procedures for reporting suspected child abuse and neglect and potentially missing children.

To provide employees, volunteers and interns in DCF operated and contracted State facility education programs with a policy and procedures concerning the investigations of such allegations.

### **B. STANDARDS**

1. In accordance with N.J.S.A. 9:6-8.10, any person who has reasonable cause to believe that a child has been subjected to abuse or neglect or who has witnessed such abuse or neglect is legally obligated to immediately report such suspicion or incident to the DCF Division of Youth and Family Services (DYFS).
2. Since the early identification of abused or neglected children is extremely important, it shall be the responsibility of all employees, volunteers and interns in DCF State facility education programs to be vigilant in their

observation and supervision of children and to immediately report any suspicions of child abuse or neglect in accordance with this policy.

3. An employee, volunteer or intern in a DCF State facility education program who suspects or knows a child has been subjected to abuse or neglect is personally responsible to call the DYFS and does not need the permission or confirmation of another person to make the report.
4. Pursuant to N.J.S.A. 9:6-8.13, any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report is immune from any criminal or civil liability as a result of such action. Furthermore, a person who in good faith reports or causes to report an allegation of child abuse or neglect and as a result is discharged from employment or is discriminated against with respect to compensation, hire, tenure or terms, conditions or privileges of employment may file a cause of action for appropriate relief in the New Jersey Superior Court.
5. A potentially missing child shall be reported to law enforcement authorities in accordance with applicable departmental/divisional policies including, as appropriate, Office of Education Policy #29 and the DCF Regional School Safety Plans.
6. All school employees, volunteers and interns shall annually be provided training on reporting suspected or known child abuse and neglect and potentially missing children. All new employees, volunteers and interns shall receive this training as part of their orientation to DCF State facility education programs.
7. The DCF Office of Education (OOE) shall identify a liaison to the DYFS and/or other child welfare authorities. The designated OOE liaison shall facilitate communication and cooperation between the education programs and DYFS/other child welfare authorities regarding the matters in this policy and shall serve as the primary contact between the education programs and child welfare agencies with regard to general information sharing and development of training and other cooperative efforts.
8. The DCF State facility education programs and the DCF OOE shall maintain, secure and disclose confidential information about students who are the subject of child abuse or neglect cases in accordance with N.J.A.C. 6A:32-7 and OOE Policy # 4.

## **C. DEFINITIONS**

1. “Abused or neglected child” as defined in N.J.S.A. 9:6-8.9 and 8.21 means a child under the age of 18 years whose parent, guardian or other person having custody and control:
  - Inflicts or allows a person to inflict physical injury upon a child by other than accidental means, which causes or creates a substantial risk of death, serious or protracted disfigurement; the protracted impairment of physical or emotional health; or the protracted loss or impairment of the function of any bodily organ.
  - Creates or allows to be created a substantial or ongoing risk of physical injury to a child by other than accidental means which would be likely to cause death, protracted disfigurement; or the protracted loss or impairment of the function of any bodily organ.
  - Commits or allows to be committed an act of sexual abuse against a child.
  - Fails to supply the child with adequate food, clothing, shelter, education, medical or surgical care while financially able to do so which results in the child’s physical, emotional or mental condition being or in danger of becoming impaired.
  - Fails to provide proper supervision or guardianship by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment or using excessive physical restraint under circumstances that do not indicate the child’s behavior is harmful to self, others or property, or any other acts of a similarly serious nature requiring the aid of the court.
  - Willfully abandons the child.
  - Inappropriately continues the child in an institutional placement for a continued period of time with the knowledge that such placement may result in mental or physical harm.
  - Willfully isolates the child from ordinary social contact which indicates social or emotional deprivation. (N.J.S.A.9:6-8.9)
2. “Abandonment of a child” means a situation in which anyone having the custody or control of a child willfully forsakes a child or fails to care for and keep the control and custody of a child so that the child is exposed to physical or moral risk without proper and sufficient protection or the child is liable to be supported and maintained at the expense of the public or by any child caring societies or private persons not legally chargeable with their care, custody and control.

3. “Child welfare services” means the intervention and offer of services by a worker from a DYFS Local Office, resulting from a call to the State Central Registry (SCR) in which the caller’s concerns are less serious than abuse or neglect but where child and family services may still be needed.
4. “Cruelty to a child” means an act of inflicting unnecessarily severe corporal punishment; unnecessary suffering or pain whether mental or physical; habitually tormenting, vexing or afflicting; any willful act of omission or commission that causes unnecessary pain and suffering- whether mental or physical- that is caused or permitted to be inflicted; and/or exposing a child to unnecessary hardship, fatigue or mental or physical strains that may tend to injure the health or physical or moral well-being of the child.
5. “Designated child welfare authority” means a professional employee of the Department of Children and Families’ Division of Youth and Family Services, or the Department of Children and Families’ Institutional Abuse Investigation Unit, or the Office of the Public Defender, acting as the Division’s agent in conflict matters in child protective service investigations.
6. “Missing child” means a child, under the age of 18 years, whose absence from school cannot be explained or discovered through routine methods, such as calling parents/residential providers, contacting the child’s school district and making home visits. If a parent or law enforcement officer reports a child as a runaway or otherwise missing, this shall also constitute a “missing child.”

#### **D. PROCEDURES**

1. Any DCF State facility education program employee, volunteer or intern who has reasonable cause to believe that a child has been subjected to abuse or neglect or who has witnessed such abuse or neglect, shall immediately report the matter to the DCF Division of Youth and Family Services (DYFS), by calling the State Central Registry (SCR) Hotline 1-877 NJ ABUSE (1-877-652-2873). As warranted, the person calling SCR may also ask to speak with an SCR Supervisor. These notifications shall be documented on the “School Reference Form” (Attachment 1).
  - a. The person who suspects child abuse or neglect may inform the Education Supervisor (ES) or designee prior to making the report to DYFS if the action will not delay immediate notification.
  - b. The person who has identified the potential child abuse or neglect may ask the ES to assist him or her with making the telephone call to the SCR as long as the person is present to provide information and to verify that the incident was reported to DYFS.

- c. The person reporting the suspected child abuse or neglect to DYFS shall inform the ES or designee about the notification if the ES was not apprised prior to the person's call to DYFS.
- d. The ES does not need to be informed about the report to DYFS when the person believes that such notice would likely endanger the reporter or student involved or when the person believes that such disclosure would likely result in retaliation against the student or in discrimination against the reporter in respect to his/her employment.
  - 1) In the event that an employee, volunteer or intern in a DCF Regional School or contracted State facility education program has not informed the ES of a report to DYFS, that person shall contact the Regional Administrator (RA) assigned to the school and notify him/her of the circumstances.
  - 2) If a staff person in a DYFS Residential Treatment Center (RTC) school does not notify the ES of a report to DYFS, that person shall inform the RTC Chief Executive Officer (CEO) or designee.
- 2. In the event the ES is not able to perform the required functions outlined in this policy, the OOE RA or the DYFS RTC CEO or designee, as applicable, shall assume the ES's responsibilities.
- 3. The person reporting suspected or known child abuse or neglect to DYFS shall provide, when possible, the following information:
  - a. the name of the child;
  - b. the age and grade of the child;
  - c. the nature, name and location of the education program;
  - d. the name and address of the parent/guardian;
  - e. a description of the child's present condition and the nature and extent of the abuse or neglect to which he/she has been subjected, including an indication of the seriousness of the situation and whether the child appears to be in immediate or imminent danger; and
  - f. the identity of the alleged perpetrator and any other pertinent information that the reporter believes may be relevant with respect to the suspected abuse or neglect.
- 4. The SCR screener will take the information from the caller and, depending on the nature of the information provided, shall inform the caller whether the

case will be assigned for a child abuse and neglect investigation, will be referred for child welfare services, or does not warrant an investigation or assessment.

- a. If the SCR screener does not render a category for the case, the caller should ask about the disposition of the case before the call is concluded.
  - b. SCR may provide the caller with various social service agency resources, as appropriate, for certain circumstances in which an investigation or assessment is not warranted.
5. The ES or designee shall complete an Unusual Incident Report in accordance with the applicable departmental/divisional policies including OOE Policy #29, as appropriate.
6. The ES or designee shall report suspicions regarding missing, abused or neglected students to the appropriate law enforcement authorities as directed by applicable departmental/divisional policies, including OOE Policy #29 and the DCF Regional School Safety Plans, as appropriate.
7. The ES or designee shall notify the assigned OOE RA or DYFS RTC CEO, as applicable, that a report has been made to DYFS.
8. After a student's case has been assigned by SCR for either an abuse and neglect investigation or for child welfare services, any subsequent concerns about the child, related to the original issue of suspected abuse or neglect, shall be reported to the assigned investigator. Any new concerns not related to the original incident or suspicion shall be reported to SCR by calling 1-877-NJ ABUSE.
9. In a situation where a report has been made to SCR that a staff member is alleged to have committed abuse or neglect against a student, the ES shall immediately confer with his/her direct supervisor and the appointing authority's Human Resources/Labor Relations designee or the program's comparable agency to make a determination about the appropriate course of action.
10. Before an investigation by a designated child welfare authority begins, the ES shall ensure the following information has been ascertained/communicated:
  - a. Which agency is conducting the investigation;
  - b. Whether the focus of the investigation is the home/residence, the school, or both;

- c. Whether any school staff are potential suspects/perpetrators in the investigation; and
  - d. Establishing that the ES be informed if the focus of the investigation changes in any manner, such as shifting from the home/residence to the school, including the identification of school staff as potential suspects/perpetrators or the involvement of staff/students as witnesses, and broadening in scope, including the participation of other investigative entities.
11. The Office the Public Defender shall conduct the investigation when allegations of abuse or neglect are made against a DCF Regional School or a DYFS Residential Treatment Center School employee.
  12. DCF OOE and DCF State facility education program personnel shall cooperate with the designated child welfare authorities in all investigations of alleged child abuse or neglect.
    - a. The assigned investigator may interview the student in the presence of the ES or other appropriate school staff person as determined by the ES or may determine that the student be interviewed without any school staff present. The child welfare investigator does not require the consent of the parent when seeking to interview a child.
      - 1) If the student is intimidated by the presence of the designated school personnel, that student shall be allowed to name a staff member whom he/she feels will be supportive, and such staff member shall be permitted to serve in this role.
      - 2) A staff member accompanying the student during the interview shall provide comfort and support and shall not participate in the interview.
      - 3) The investigator may request that a different staff member be present during the interview if the investigator believes that the interview process is being compromised or affected in any manner by the original staff member's presence.
    - b. The DCF State facility education program and the DCF OOE shall cooperate with the scheduling of interviews by the investigator with any staff member who may have information relevant to the investigation.
    - c. The DCF State facility education programs are permitted to release to the child welfare investigator relevant records of a student who is the subject of an investigation of alleged child abuse or neglect, provided the investigator presents the appropriate written request.

- d. The ES or designee shall permit the designated child welfare authorities to physically remove a student(s) from school when it is necessary to protect that child or to take the child to a service provider.
    - 1) This removal from school shall take place only after the ES has received appropriate documentation from DYFS in advance or at the time of removal.
    - 2) When a student is removed by DYFS from a DCF Regional School or contracted State facility education program, the ES shall notify the assigned OOE RA of the event who shall then notify the Director, OOE, or designee.
  - e. If the student is recommended to be transferred from a DCF State facility education program to another school by the designated child welfare authorities, the ES shall assist in facilitating the transfer of the student. In the event of such a transfer from a DCF Regional School or contracted State facility education program, the ES shall notify the assigned OOE RA who shall then notify the Director, OOE, or designee.
  - f. If the child welfare authorities recommend, in the course of their investigation, that a staff member should be separated from a student, the ES shall confer, as soon as possible, with his/her immediate supervisor and the appointing authority's Human Resources/Labor Relations designee or the program's comparable agency to review and consider the recommendation and to determine the appropriate action.
13. Throughout investigations of known or suspected child abuse or neglect that potentially involve DCF State facility education program staff, the following rights may be exercised by an employee.
- a. A staff person has the right to ask questions and seek clarification at the beginning and throughout the course of an interview to determine whether he/she is considered a potential suspect/ perpetrator.
  - b. A staff person has the right to request that an interview be postponed or terminated and rescheduled to another date and time so that the employee may obtain a personal attorney or a Union Representative to be present at any scheduled interview.
  - c. When a staff member is being interviewed by a child welfare investigator, the information he/she provides will be documented by the investigator in the format of a written, formal Statement, which the staff person should carefully review for accuracy.



- 1) The staff member has the right to provide a Statement to the investigator or to refrain from providing a Statement.
  - 2) The staff member has the right to sign or refuse to sign any Statement developed by the investigator.
14. Information about a school employee, volunteer or intern developed and collected by a child welfare authority during any investigation shall be considered confidential and may only be disclosed as required in order to cooperate with an investigation or by virtue of a court order. Such records shall be maintained in a secure location separate from other employee personnel records and accessible only by the Director, OOE; the DYFS RTC CEO; the Chief School Administrator of a contracted State facility education program; or their designees, as appropriate.
15. The ES at each DCF State facility education program shall ensure that annual training about reporting suspected child abuse, neglect and missing children is provided to all employees, volunteers and interns by presenting the approved training materials and all aspects of this Policy and the OOE Policy # 47 Addendum, as appropriate.
- a. The approved training materials to be utilized shall be the current version of "Reporting Child Abuse and Neglect – What School Personnel Need to Do" including the handouts and post-tests, as found on the Department of Education's website at [http://www.state.nj.us/education/students/safety/socservices/abuse/trainin\\_g/](http://www.state.nj.us/education/students/safety/socservices/abuse/trainin_g/).
  - b. Any additional clarifying materials that are determined necessary to support and supplement the training shall be provided by the DCF Office of Education.
  - c. Training of staff shall be documented on the prescribed training rosters.
  - d. Professional development hours shall be awarded to staff as they complete the training.

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Debra Stewart  
Director  
Office of Education

Attachment